

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| SIRE SPIRITS, LLC, | : |
| | Case No.: 1:21-cv-07343-JPC |
| Petitioner, | : |
| | : |
| v. | : |
| | : |
| MITCHELL GREEN, | : |
| | : |
| Respondent. | : |
| ----- | X |

AMENDED FINAL JUDGMENT

WHEREAS, Petitioner Sire Spirits, LLC ("Sire Spirits") petitioned this Court pursuant to Sections 9 and 13 of the Federal Arbitration Act (the "FAA"), 9 U.S.C. §§ 9, 13, to confirm in full a Final Award, dated October 29, 2021, against Respondent Mitchell Green and enter judgment thereon;

WHEREAS, Mr. Green cross-petitioned this Court to vacate the Final Award pursuant to Section 10 of the FAA, 9 U.S.C. § 10;

WHEREAS, the Final Award incorporated the August 25, 2021 Partial Final Award, which found Mr. Green liable to Sire Spirits for breach of contract, breach of fiduciary duty, fraud, and unjust enrichment (Dkts. 18-1, 18-2);

WHEREAS, the Final Award awarded Sire Spirits \$6,194,293 against Mr. Green, including \$3,187,180 in compensatory damages; \$825,434 in pre-judgment interest at the New York statutory rate of 9% per annum (*see* CPLR 5004) through October 29, 2021 (the date of the Final Award); \$275,515 in disgorged compensation and benefits; \$1,771,489 in attorneys' fees and costs; \$2,950 in American Arbitration Association fees; and \$131,725 in arbitrator compensation (Dkt. 18-2);

WHEREAS, on June 6, 2022, the Honorable John P. Cronan issued an Opinion and Order granting Sire Spirits' petition to confirm the Final Award, denying Green's cross-petition to vacate the Final Award, and confirming the Final Award, including the award of \$6,194,293 to Sire Spirits and against Mr. Green, and also awarded Sire Spirits its reasonable attorneys' fees and costs in an amount to be determined (Dkt. 41);

WHEREAS, on November 1, 2022, Judge Cronan issued an Order awarding to Sire Spirits \$89,305.50 in attorneys' fees and costs against Mr. Green, and directing the Clerk of the Court to "close the case and enter judgment" (Dkt. 50);

WHEREAS, on November 2, 2022, the Clerk of the Court entered a judgment in Sire Spirits' favor for the \$89,305.50 awarded in attorneys' fees and costs (Dkt. 51);

WHEREAS, no judgment has yet been entered for the remaining \$6,194,293 in compensatory damages, attorneys' fees, costs, and interest awarded to Sire Spirits and against Mr. Green;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Court grants Sire Spirits' petition to confirm the Final Award, as set forth in this Court's June 6, 2022 Opinion and Order; and it is

ORDERED, ADJUDGED, AND DECREED that this Court denies Mr. Green's cross-petition to vacate the Final Award, as set forth in this Court's June 6, 2022 Opinion and Order; and it is

ORDERED, ADJUDGED, AND DECREED that this Court confirms the Final Award, including the award of \$6,194,293 to Sire Spirits and against Mr. Green, as set forth in this Court's June 6, 2022 Opinion and Order; and it is

ORDERED, ADJUDGED, AND DECREED that Sire Spirits is awarded an additional \$89,305.50 in attorneys' fees and costs, as set forth in this Court's November 1, 2022 Order; and it is

ORDERED, ADJUDGED, AND DECREED that Sire Spirits shall have judgment against Green in the total amount of \$6,283,598.50, as well as pre-judgment interest at the New York statutory rate set forth in CPLR 5004 from the date of the Final Award—October 29, 2021—through the date of this Judgment, and post-judgment interest at the rate provided by 28 U.S.C. § 1961 from the date of this Judgment until complete payment is made; and it is

ORDERED, ADJUDGED, AND DECREED that this Amended Final Judgment shall replace and supersede the November 2, 2022 judgment previously entered by the Clerk of Court in this matter; and it is

ORDERED, ADJUDGED, AND DECREED, that this case is closed.

Dated: November 4, 2022
New York, New York



JOHN P. CRONAN
United States District Judge